

Exhibit O

Estate of Michael F. Shipsey

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X
SUZANNE ANDERSON, et al.,

**AFFIDAVIT OF
LAUREN A. FISCHER on behalf
MICHAEL F. SHIPSEY'S ESTATE**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X
STATE OF NEW YORK)
 : SS.:
COUNTY OF QUEENS)

LAUREN A FISCHER on behalf of the estate of MICHAEL F. SHIPSEY, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 6256 60th Drive, Maspeth, New York 11378.

2. I am currently 45 years old, having been born on October 31, 1976.

3. I am the daughter of Michael F. Shipsey, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of the claim on behalf of my father's estate.

4. My father passed away from lung cancer on May 23, 2015. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

5. My mother, Eileen Shipsey, was also a plaintiff in the within action, in which she was pursuing her own solatium claim, as well as a claim on behalf of my father's estate. However, Eileen Shipsey passed away on December 16, 2021, subsequent to the filing of this

lawsuit. My family is currently working on having a substitute representative of my father's estate appointed

6. My parents, Eileen and Michael, were childhood friends. My dad had three siblings. My mom had four siblings. They all grew up together. Everybody knew each other. My parents were married in 1972. My sister was born in 1973, and I was born in 1976. Through the years my parents worked, and my dad sometimes worked two jobs. As my parents got older, they become more financially stable and traveled more. My mom retired in 2007, and my dad retired a few years later. They moved to Florida. My parents had an awesome relationship, and they taught my sister and me what a relationship should be like.

7. My dad was a wonderful father to my sister and me. He was involved in all aspects of our lives, including our sports and recreational activities and school events. Although he was a very hard worker, he always took time out for his family and made us a priority. He was very protective. For him, the best way to protect us was to teach us self-reliance. My dad did everything. He could fix things, do plumbing, electric, everything. He always wanted to help people.

8. My dad was a commercial truck driver. When I was growing up, he drove gasoline trucks and oil trucks. When he was hired by the Department of Transportation, he used his CDL license to his advantage. That's what led to him working at the World Trade Center in after the 9/11 attacks, because they needed commercial drivers to transport debris from Manhattan to Staten Island. He was parked as close to the World Trade Center as he could get, as the firemen were loading debris right into the truck. We never thought it would be an issue, or that it was going to make him ill, ten years later. We were all ready and willing for him to work at Ground Zero. Who wouldn't want to lend a hand after this disaster? We were so proud of him. My dad even received a certificate from the NYC Mayor's office for his service. He worked at Ground Zero for about a month, from October 2001 to Thanksgiving 2001.

9. In January 2012, the doctors saw a spot on his lungs in an x-ray. They biopsied a sample, and it came back that he had lung cancer. My dad went in for a surgery, and he was in the hospital for a few days. He had huge scars on his body after they removed part of his lung. We were told he was going to be fine, and he was prescribed a chemotherapy pill. Everything seemed fine.

10. In March 2013, my dad had a seizure. I was actually on the phone with my mom when it happened. About twenty minutes later, she called me back and told me they were going to the hospital. That night at the hospital, my parents learned that the lung cancer had spread to his brain, which caused the seizure. The doctors were able to remove one tumor with the biopsy, but they told us my dad needed radiation for the two remaining brain tumors.


11. My dad went for another scan toward the end of 2014, which revealed that a whole new set of tumors had grown in his brain. The doctors gave my dad the option of one more round of radiation, but if that didn't work, there was nothing they could do for him. Unfortunately, the radiation didn't work, and my dad's health really started to decline. I flew down to Florida every other weekend to help my mother take care of my father. My father had in-home hospice care during the week, but my mom still needed help on the weekends.

12. My dad's battle with cancer weakened his body beyond repair. He was on oxygen from the lung cancer. The chemotherapy medication he was on thinned out his skin. Even if you touched him in the lightest way, his skin would peel off, and he would bleed. You couldn't even give him a hug or shake his hand. The seizures were horrible. As time went on, he would fall, because he didn't have the strength to stand. My father was the kind of person who woke up at 4:00 a.m. for work his entire life. So, he would wake up at 4:00 a.m. even when he was sick, and my mom wouldn't hear him. I would find him fallen on the kitchen floor at 4:30 a.m. He eventually was confined to a wheelchair, which he was unhappy with. My father was a strong man, and to be restricted to a wheelchair was so demeaning for him.

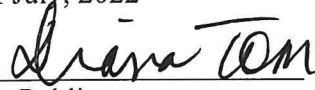
13. When the cancer spread to his brain, he began to have memory loss. He would get frustrated and upset. He would ask, "Why is this happening? Why am I in a wheelchair?" My mom, my sister and I decided that we would tell him one time everything that was happening. And he was okay with it. But the next day, he forgot. He was so confused and scared. I love to cook, so whenever I was in Florida I would cook for my father. I would tell him, "Dad, I'm going to make you pancakes." And he would say, "Do I like pancakes?" I would have to explain to him that yes, he did like that. It was hard on him, because he knew he was forgetting things, but he didn't know why. He would tell me, "Lauren, if I don't remember you in the morning, I'm sorry." But he never forgot who we were. He did forget about his cancer battle, and at that

point, his will to fight the cancer really subsided.

14. My dad went into hospice in February 2015. I arrived at the hospice the Monday before he died, and I stayed with him until he died on May 23. I was with him 24/7. He was suffering so much. They would give him morphine, but they wouldn't feed him, because he had a DNR. He didn't want anything that prolonged life. The doctor came in and said, you know, this is keeping him suffering. Even though he's on the morphine, he's still in pain. It was on me to stop that. So, I gave him his last drink of water. And it was terrible. He died Saturday morning around 5:00 a.m.


LAUREN A. FISCHER on behalf
of the estate of MICHAEL F. SHIPSEY

Sworn to before me this
28 day of July, 2022



Notary Public

DIANA TOM
Notary Public - State of New York
No. 01TO6381943
Qualified in Queens County
My Commission Expires Oct. 15, 2022

Estate of Martin C. Simmons

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X
SUZZANNE ANDERSON, et al,

Plaintiffs,

**AFFIDAVIT OF
JUDI P. SIMMONS**

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.
-----X

STATE OF NEW YORK)
 : SS.:
COUNTY OF SUFFOLK)

JUDI P. SIMMONS, being duly sworn, deposes and says:

1. I am the plaintiff in the within action, am over 18 years of age, and reside at 111 Uncas Street, Nesconset, New York 11767.
2. I am currently 55 years old, having been born on November 23, 1966.
3. I am the wife of Martin C. Simmons, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of the claim on behalf of my husband's estate.
4. Martin passed away from an asthma-related drowning on July 21, 2008, at the age of 41. It has been medically determined that his asthma-related death was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.
5. On October 29, 2008, I was issued Letters of Administration on behalf of my husband's estate by the Suffolk County, New York Surrogate's Court.

6. Martin was a wonderful husband as well as an amazing father to our children. As a firefighter, Martin was able to take a lot of time off and was a very active member of our family. Martin and I loved staying active together and enjoyed everything from going to the gym to skiing and bicycling around Long Island and on our travels. We had many interests in common, especially exploring the outdoors and remaining physically active. Incredibly, Martin coached all of our three sons in every one of their sports, including, baseball, soccer, lacrosse, football, and basketball. Our shared passion for the outdoors, an active lifestyle, and raising three athletic children made the development of Martin's respiratory ailments, leaving him short of breath after climbing a flight of stairs, all the more distressing.

7. On September 11, 2001, Martin was off duty. He was initially at home playing a Buzz Lightyear video game with my middle son, Kevin, who was four at the time. I had taken my oldest son, who was six, to the bus and then went to CVS because our youngest was not feeling well. When I left the pharmacy, I heard on the radio that the first tower had been struck by a plane. As soon as I told my husband about the attack, he packed his gear up and left for the World Trade Center to lend a hand. In fact, Martin went to his firehouse and arrived at the World Trade Center sometime between the collapse of the first and second towers. Martin kept working and didn't return home until the following Saturday night. His firehouse was missing five of their men, and he was determined to find them. After a brief visit home that Saturday evening, Martin woke up on Sunday and went back to the site through October 31, 2001.

8. He spent very little time at home during those weeks and months. Martin's sole focus was initially for rescue and later to recover any remains that he may be able to bring home to their families. On October 31, they found the first of the five firefighters from his house. In November, the firemen recovered an additional three firefighters from his firehouse. After

mourning at the wakes of the remaining firefighters, Martin resumed the routine of being either at the firehouse or the World Trade Center site. In the middle of December, they discovered a lump in my husband's chest that needed to be removed. After the surgery, Martin was off duty for about four weeks to recover. Following the recovery, Martin returned to the firehouse in mid-January and continued to report to the World Trade Center site for cleanup, through April 2002.

9. When Martin had the surgery to have the lump in his chest removed, I was quite scared. I was relieved to learn that the lump they removed was benign. However, just within a matter of months, Martin was never without a cough, often coughing up black and speckled debris, sometimes covered in blood. Soon afterward, he would have a bronchitis. After experiencing shortness of breath on multiple occasions, Martin consulted with a private physician, who prescribed him an inhaler. In fact, over the years, Martin was prescribed a number of different types of inhalers, including Flovent and Albuterol. As the asthma attacks became more frequent, the inhaler went from emergency use to daily use, even on days when he remained on duty. From 2005 onward, Martin's pulmonary function tests steadily declined. The last medical that Martin had with the department was in August 2007, and he passed away right before his 2008 exam. Sadly, the fire department doctors informed me that the trajectory of his pulmonary function tests indicated that, had he survived to the next exam, it probably would have shown that he was no longer fit for duty. Roughly, one and a half years prior to his passing, I believe Martin knew that he would not fare well in an active fire and began to have serious anxiety before starting his workday at the firehouse. As a result, in addition to the respiratory disease, Martin began to receive treatment for depression.

10. Tragically, my husband passed away during the first day of a family vacation to visit my sister at her home in Lake Tahoe. The combination of high altitude and low oxygen in

the air sent my husband into respiratory failure. We went out on a boat ride on the lake with my sister, her family, and the kids. Martin used the inhaler right before we went out on the boat, and everything just deteriorated after that. After my son jumped in the lake, my husband went in to swim with him. Unfortunately, the additional exertion, combined with the high altitude, sent Martin into respiratory failure. He told my middle son, Kevin, who was 10 at the time, "I can't swim with you, I'm having trouble breathing." This was said with labored breath. That occurred immediately upon entering the water. Then he lifted himself out of the water and said to all of us, "I can't breathe." My brother-in-law threw my husband a life preserver, but he started trying to swim to shore. My brother-in-law dove in after him, but it was too late. My husband turned onto his back and simply sunk under the water as if a cement block was tied to him. There was no flailing or trying to stay above the water. He just sank. My brother-in-law was able to bring him up to the surface very quickly. There was a minimal amount of time that he was under the water. My husband was brought out of the water as quickly as possible and received emergency care very quickly. He was brought to the beach where they worked on him for 45 minutes but were unable to revive him. His color never improved and there was a blue line of demarcation, both of which are consistent with a respiratory event and not of a drowning.

11. From what I can observe, Martin must have masked his physical pain pretty well. However, given that Martin was suddenly much more limited in terms of what physical activities were possible, I'm sure he suffered greatly. He used to coach my sons in all of their sports teams. However, after he became ill, his activities became much more limited, and he would go the gym less frequently too. As the years progressed after 9/11, he was unable to be as physically involved in coaching the boys. For example, rather than running through exercises with them, he

would teach them what to do and advise them but wouldn't physically do it. He was physically less involved.

12. As a result of the sudden physical limitations, I could see that Martin was affected on an emotional level as well. I think the part where he suffered the most was recognizing his limitations and then going through depression and anxiety because he couldn't enjoy being the active person he used to be. Initially, Martin was reluctant to accept treatment for anxiety because he believed that admitting how he felt would make him less of a man. There were times that he was losing interest in doing anything because he wasn't able to do it as fully as he was able to in the past. That was the hardest thing to watch. One of the things that affected our family the most was when Martin was suffering through everything silently, but it was obvious that he was not himself at all. Despite the struggle, Martin eventually came to terms with some of these changes and did receive some treatment, which included anxiety medication for a panic attack as well as a daily antidepressant called Lexapro.

13. I did see personality changes in my husband immediately after 9/11. You can't see what he saw and not have some changes. I feel that I lost a little piece of him on 9/11 because of all of the destruction and loss of life that he witnessed. Martin described it like being in a warzone. It took two years, but my husband did finally describe some of the things that he went through while supporting the rescue and recovery effort, all of which were horrific. It was particularly hard for my husband to have to recover four firefighters that he worked with for so many years who were buried in the rubble on 9/11 and recovered on October 31, 2001. In addition to recovering his colleagues, Martin also was one of the firefighters who recovered the

FDNY Chief of Department, Peter J. Ganci, who was killed by the collapse of the North Tower.


JUDI P. SIMMONS

Sworn to before me this
3rd day of May, 2022


Notary Public



Estate of Michael Steiner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X
SUZANNE ANDERSON, et al.,

**AFFIDAVIT OF
KRISTINE STEINER**

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X
STATE OF FLORIDA)
 : SS.:
COUNTY OF PASCO)

KRISTINE STEINER, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 3935 Pascay Court, Holiday, Florida 34691.

2. I am currently 70 years old, having been born on February 1, 1952.

3. I am the wife of Michael Steiner, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of the claim on behalf of my husband's estate.

4. On September 7, 2016, my husband passed away from pancreatic cancer. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

5. On December 20, 2016, I was appointed administrator of my husband's estate by the New York State Surrogate's Court, County of Orange.

6. Michael and I had a good relationship. We were married just short of 30 years and did everything together. We were of the same belief system spiritually and shared that with our family and friends. We enjoyed boating on the lakes of several places we had lived. We took

care of and nurtured various animals. We enjoyed landscaping, and Michael would help me on the weekend. He was instrumental in helping me implement our landscaping design. We built a few ponds with waterfalls and rock gardens. We turned a yard in Rockland County that was full of rocks and weeds into something quite spectacular. Michael took care of many things for me, mentally and spiritually. We had more interests together than we did apart. He was my best friend, and I was his. Since I had trouble sleeping, every night, Michael would give me a back rub or a foot rub to help me relax. While Michael and I had no children together, Michael was an excellent father figure to my son, whose father and I had divorced when he was young. Although there were some trying times when my son was a teenager, Michael was kind and patient with him. Eventually, he and Michael forged a very close relationship and bond. When my son got married, Michael and I would often visit him and his wife in Connecticut, and they would come to visit us.

6. On 9/11, Michael was a teacher at John V. Lindsay Wildcat Academy, a charter school in lower Manhattan. After the planes struck the World Trade Center, the school building and its faculty and students were evacuated. Michael was standing outside the school building and witnessed the thick smoke coming out of the towers and people jumping to their deaths. He was still there when the buildings collapsed and was caught in the dust cloud. He took a ferry to New Jersey and rented a car to get home. When he arrived home, he was covered in dust and soot. He returned to work a couple of weeks later when the school reopened. Although he took the train into the city each day, he would walk a distance from the subway to the school, in the vicinity of Ground Zero, to get in some exercise. He was breathing in all the toxic air, not realizing how damaging it was. He continued to work in the area until he died.

7. On the July 4th weekend of 2016, Michael was having pain in his side. Years before, he had suffered from gallstones, so we attributed the pain to possibly a recurrence. I made an appointment for Michael to see a gastroenterologist to have the situation checked. Michael was referred for an ultrasound. From the results of the ultrasound, Michael was then referred for an MRI. Following the MRI, the doctor contacted Michael the same day and advised that he had various tumors in his gallbladder and liver, which he believed were cancerous. He suggested that Michael have them biopsied to confirm. He also advised that Michael's bile duct was blocked, and he would need to have it unblocked as well.

8. At first, we went to our local hospital to get the biopsy and look into unblocking the bile duct because Michael was becoming jaundiced and still in pain. Before even getting the biopsy results, the doctor confirmed that Michael had cancer and that it was very bad. How was this possible? He had always been healthy, was a vegetarian, ate clean, drank green juices for breakfast, never smoked, and didn't dare put anything bad into his body. This diagnosis was such a gut punch. It was recommended that he see a specialist immediately. Michael's brother assisted in setting up three appointments with separate doctors, each of whom gave a different opinion regarding surgery and chemotherapy. We were told that the cancer was too advanced for surgery.

9. On August 8, 2016, Michael was accepted into a clinical trial at Memorial Sloan Kettering, which was deemed his only hope. It was just the beginning of the trial, and we were warned that many didn't come through the trial, and those that did were pretty sick. Just before beginning the trial, Michael's liver count dropped. He wouldn't be eligible for the trial unless his liver count was at a certain level. Michael's illness went south after that. He developed sepsis which required several trips to the hospital. The doctors were able to get the sepsis under control, which we were happy about. They advised that since surgery wasn't an option, Michael could have chemotherapy treatment closer to home in Westchester but would still have to have monthly visits with the doctor at Sloan. He was becoming weaker each day. When we went to have the port inserted to receive the chemotherapy, Michael collapsed when we got there. He had to be transported by ambulance back to Sloan, where we were advised that the cancer had progressed so aggressively that chemotherapy would not be effective. Michael was given approximately one week to live and recommended hospice. He broke down and cried. When he was first diagnosed, he was given six months to a year to live. How could it be that now it was only one week? After that, he faced everything very bravely. His faith remained strong, and he accepted his maker's choice. Following the collapse, he could no longer walk without assistance and never got out of bed. Michael's brother arranged for everything we needed to do home hospice for Michael. We set him up in the living room, facing the garden he loved so much. Michael was in a great deal of pain and on many medications once he returned home. He had to have shots in his stomach to prevent blood clots in his legs and morphine shots for pain. He did not like that his life was reduced to a series of toxic medications going into his body. The slightest touch, or even just adjusting the pillows on the bed, caused Michael agonizing pain, despite the high dosage of morphine he was taking. I was the only person Michael would let

touch him. I know he didn't want to leave me. He was in a coma for the last few days of his life.

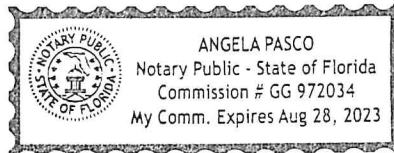
10. Michael was a wonderful man who was truly loved. His brothers, their wives, his nieces and nephews all visited every day to be with him. Many of his students and former students came by the vanload to our home to say goodbye to him while he was still conscious. Many friends came as well.

10. Michael's faith was unyielding, and he accepted his fate with bravery and dignity.

Kristine Steiner
KRISTINE STEINER

Sworn to before me this
11 day of July, 2022

A. Pasco
Notary Public



Estate of Frank Richard Svoboda

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

-----X

SUZZANNE ANDERSON, et al.,

Plaintiffs,

**AFFIDAVIT OF
JANINE LEVITT**

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW JERSEY)
 : SS.:
COUNTY OF MONMOUTH)

JANINE LEVITT, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 53 Blenheim Road, Manalapan, New Jersey 07726.

2. I am currently 39 years old, having been born on December 7, 1982.

3. I am the daughter of Frank Richard Svoboda, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of the claim on behalf of my father's estate.

4. On May 18, 2016, my father died from metastatic lung cancer. It was determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks.

5. On June 2, 2016, I was appointed personal representative of my father's estate in the Middlesex County, New Jersey Surrogate's court.

6. My father was pretty much the best dad you could ask for. We saw each other every weekend. He would watch my son, who was two years old at the time. We would spend weekends together as a family. My father helped me with anything I needed. He was always

happy to help fix my car, or to take my car for an oil change. When I needed a new car, he would call dealerships for me to help me find the best deal on a lease. We had a great relationship—he would always guide me to the right answers when I had questions about my life, family, and relationships. My father was a calm and level-headed person. Since I’m a worrier, he was a great counterbalance to my personality.

7. I was in college on September 11th, 2001. My father was an electrician for Con Edison. He went down to the World Trade Center site shortly after 9/11 to work on electrical recovery in the area. He spent a lot of time down manholes, fixing electrical wiring underground. He was there for a few weeks working on the clean-up.

8. In 2015, my father went in for a chest X-Ray. The doctors said they found a tumor on his lungs. He was optimistic, but it was devastating to learn that he had cancer. He started chemotherapy in Summer 2015 and underwent a surgery in September 2015 to try and remove some of the mass. He underwent radiation before the surgery, because the doctors wanted to shrink the tumor as much as possible before attempting to take it out. They couldn’t get all of the tumor out, which concerned me because I knew it would grow back. He was in a lot of pain after the surgery. Later on, my father had another scan, which confirmed my worst fears. His cancer had returned, and it had spread all over his body. That’s when things took a turn for the worse.

9. After the surgery, my father had a lot of pain. We thought it was scar tissue at first, but actually the cancer was eating away at his ribs. He was sleeping all the time, always on pain medications, and he really had difficulty functioning the last few months of his life. He couldn’t eat. It was so hard to watch him waste away. You could see how much pain he was in, because every kind of movement would make him uneasy.

10. In January 2016, my father started to become extremely anxious and depressed as a result of his illness. He was optimistic in the beginning and told me he would do everything he could to get better—chemotherapy, radiation, surgery, whatever he needed. When his cancer started to spread in January, he was always afraid to go in the car for doctors’ visits because he knew it would be more bad news. I remember trying to calm him down in the car. His whole personality changed. He didn’t want to do a support group or do therapy. He was suffering silently.

11. My father never got to meet my second son, which was devastating to me. My father loved that I had a boy, it’s sad to know that my sons will never meet their grandfather.

Due to his premature death, my father has missed out on many family milestones. He should never have died in this way and was only taken from us when he was because of his exposure to the 9/11 toxins.


JANINE LEVITT

Sworn to before me this
25th day of July, 2022


Notary Public



Estate of William E. Switzer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In Re:

03-MDL-1570 (GBD)(SN)

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

-----X

SUZZANNE ANDERSON, et al,

AFFIDAVIT OF
MARIA A. FIERRO-SWITZER

Plaintiffs,

20-CV-00354 (GBD)(SN)

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

-----X

STATE OF NEW YORK)

: SS.:

COUNTY OF KINGS)

MARIA A. FIERRO-SWITZER, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 1952 Brown Street, Brooklyn, New York 11229.
2. I am currently 59 years old, having been born on June 4, 1962.
3. I am the wife of William E. Switzer, upon whose death my claim is based, and submit this Affidavit in connection with the pending motion for a default judgment and in support of the claim on behalf of my husband's estate.
4. William passed away from kidney cancer on March 12, 2018, at the age of 56. It has been medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks.
5. On August 21, 2018, I was issued Letters Testamentary on behalf of my husband's estate by the Kings County, New York Surrogate's Court.

6. My husband and I had a great relationship. We loved spending time with each other. We were both jokesters and often made each other laugh. In the summers, we would travel down to Myrtle Beach for vacation with our son and daughter. We were both very involved in our kids' lives. To them, William was their everything, and they affectionately called him "Mr. Mom," as he often took care of various things around the house while I was at work. He would even joke and ask, "Where's my card?!" on Mother's Day. William also coached each of our children in their youth sports. Our family was always our focus, and having family dinners was very important. It was time for us to be together, catch up, and see how everyone's day went.

7. William was retired from the Fire Department on 9/11. Being a firefighter was a job he loved. It ran in his blood. Unfortunately, he was forced to retire in 1998 due to various injuries he had sustained while on the job. He was devastated when he could no longer perform his duties effectively. However, when he saw what happened on September 11th, he immediately volunteered to go to Ground Zero to assist with the search and recovery efforts. He would tell me, "once a fireman, always a fireman." He chose to spend many days at Ground Zero searching for missing people, and he lost many friends as a result of the attacks. I remember him telling me about the sound from the oxygen tanks buried in the rubble that he would hear while searching. This is who he was – he would do anything for anyone without giving it a second thought.

8. William began complaining about a pain on the right side of his lower back. Originally, he had not thought much of the pain since he was always diligent about going for yearly checkups and having bloodwork done. He was also a very fit person and watched what he ate. One day, he told me he just did not feel right. The next day he woke up and peed blood. He immediately knew that something was seriously wrong. He went to see a primary care doctor,

who sent him immediately to a specialist. After several scans and tests, William was diagnosed with kidney cancer.

9. At this point, his cancer was already quite advanced. It had spread to several spots in his lower back and devastated one of his hips. As a result, he could not walk and was admitted to the hospital. He was in constant pain and had to complete some rehabilitation to relearn how to walk because his hip had become so damaged by the cancer. He was released a month later to come back home, but that was already another challenge for him, as there were a few steps when coming into our home. He needed a walker to move even only a few paces, and I would always help him. Seeing photos of him today makes me realize that the cancer made him look 89 years old. He suffered so much in the 10 months between his cancer diagnosis and passing.

10. We spent every day and much of our time going to and from appointments. This was difficult to do, as it was too much for him to be able to sit in my car to travel to these appointments, so the fire department transport would come every day to help us. He underwent treatments, including chemotherapy, and was taking about 30 pills a day, most of which were to help him keep his pain under control. It was a constant battle, even determining what foods he could and could not eat.

11. The cancer destroyed William physically and mentally. Physically, he was in constant pain, and he could not walk because of his damaged hip. He begged the doctors for a new hip so he could walk again. He believed that being mobile again would help him fight the cancer. We went to see a hip doctor to see about him getting a new hip, but were advised that there was nothing to support a new hip due to the damage the cancer had caused. The doctor then took me out of the room and just looked at me and shook his head. I knew he was telling me that there was no hope that William would even survive.

12. It was hard for William to wrap his head around what was happening to him. He was in denial, and he was upset and angry with the situation. He was also depressed and would not let anyone come to visit him, regardless if he was at home or in the hospital. People knew him as a fit and strong person, and he did not want anyone to see him in such a weak and fragile state. The only people he wanted to see were his children and me.

13. William was also suffering from anxiety and was scared of dying. While in the hospital, his pain would awake him in the middle of the night. The sheer darkness in the room would lead him to believe that he was dying, and he would call me at 2:00 or 3:00 in the morning so that he could hear my voice. As a result, he did not want to sleep.

14. The last time William was admitted to the hospital, we met with his oncologist. During this meeting, William looked at me and said, "I'm dying, and I don't want to die." This was a very real, heartbreaking moment. We thought we had some more time with him, but within a matter of days he would pass away.

15. William suffered tremendously from his cancer, both physically and mentally. He had a terrible fear of dying and only lived for 10 months after his diagnosis. He had volunteered to assist at Ground Zero in the aftermath of these attacks. I feel that this selfless act ultimately led to his cancer diagnosis, subsequent suffering, and later death. It should never be forgotten.


MARIA A. FIERRO-SWITZER

Sworn to before me this
16 day of May, 2022


Notary Public

